REMARKS/ARGUMENTS

Claims 1-51 were presented for examination and are pending in this application. In an Official Office Action dated August 3, 2005, claims 1-51 were rejected. The Applicants thank the Examiner for his consideration and address the Examiner's comments concerning the claims pending in this application below.

Applicants herein amend claims 1, 8-10, 12, 13, 18, 23, 24-27, 29, 30, 34, 35, 39-44, 46, 47, and 49-51 and respectfully traverse the Examiners prior rejections. Claims 28 and 45 are presently canceled without prejudice and no new claims are presently added. These changes are believed not to introduce new matter, and their entry is respectfully requested. The claims have been amended to expedite the prosecution and issuance of the application. In making this amendment, Applicants have not and are not narrowing the scope of the protection to which the Applicants consider the claimed invention to be entitled and do not concede, directly or by implication, that the subject matter of such claims was in fact disclosed or taught by the cited prior art. Rather, Applicants reserve the right to pursue such protection at a later point in time and merely seek to pursue protection for the subject matter presented in this submission.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and withdraw them.

I.   35 U.S.C. § 112 Rejection of Claims

Claim 1-51 were rejected under 35 U.S.C. § 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Specifically the Examiner asserts that with respect to the independent claims the relationship of the first and second storage devices with respect to other components recited in claims is unclear. Applicants herein amend the independent claims to more clearly convey the role of

the first and second storage devices with respect to other aspects of the claimed invention. Reconsideration of the claims is respectfully requested.

The Examiner further assets that the scope of the independent claims is unclear. The Examiner states that "It is not clear why the communication redirects establishes a session with a storage device in response to a session establishment with a client." The independent claims of the present invention are herein amended to convey a functional value for the establishment of such a session.

Based on the amendments to the independent claims the Applicants submit that the claims particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Withdrawal of the rejections under 35 U.S.C. § 112 is respectfully requested.

II.   35 U.S.C. § 103(a) Obviousness Rejection of Claims

Claims 1-51 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,876,656 ("Brewer") in view of U.S. Patent No. 6,826,613 ("Wang"). Applicants respectfully traverse these rejections in light of the aforementioned remarks and respectfully requests reconsideration.

MPEP §2143 provides:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The cited references fail to teach or suggest all of the limitations recited in the claims as currently amended. For example, independent claim 1 recites, "a

dynamic session redirector in communication with the at least one client device via a stateful protocol, wherein the redirector is configured to act as the single system interface and establish at least a first stateful protocol session with the at least one client device in response to a request for access to at least one of the first data storage device or the second data storage device, and wherein subsequent to and in response to the establishment of the first stateful protocol session the dynamic session redirector is further configured to establish at least a second session with at least one of the first and second storage devices."

The Examiner asserts that, with the exception of the use of a stateful protocol, Brewer discloses each element of the Applicants invention. The Applicants respectfully disagree. Brewer appears to disclose an apparatus and process for redirecting some read and write transactions so as to bypass a centralized storage manager and pass directly between the client and a storage device. See Brewer Abstract. Brewer discloses substituting address data so that the convention routing process will bypass a centralized storage manager.

Brewer correctly identifies that in many switched fabric networks, having a centralized storage manager can act as a communications bottleneck. Brewer's approach to solving this problem, however, is dramatically distinct from the Applicants invention. Rather than propose a more efficient means by which to manage the read and write transactions using a central manager as in the Applicant's invention, Brewer bypasses the central manager concept completely. As stated in Brewer, "The fundamental idea of the invention and the characteristic that all species with the genus of the invention will share is the addition of some intelligence to the switch fabric to intercept at least some of the frames going from the storage device to the storage manager and re-label them and redirect them directly to the requesting client without going through the storage manager or other bottleneck ...." Brewer Col. 5, lines 10-16. (emphasis added)

The Applicants invention uses a Dynamic Session Redirector ("DSR") to act as a front end and as a single system image and interface for any number of network storage devices. The Applicant's DSR is, in one respect, Brewer's bottleneck except that in the Applicant's invention the issues surrounding the congestion of transactions suggested by Brewer have been solved <u>without</u> bypassing the DSR (storage manager). Clearly Brewer teaches <u>AWAY</u> from the applicants invention. Figure 3 of Brewer (see elements 34 and 36) and the text of Brewer clearly teaches away from a "data storage system that provides a single system interface" as claimed by claim 1 and, in varying language, the other independent claims. Wang does not compensate for Brewer's deficiencies.

The Applicants also agree with the conclusion that Wang discloses that the use of stateful protocol is well known in the art. In fact Wang discloses that the use of a stateful protocol is not well known and is only "anticipated". Want states that "CIFS is a stateful protocol that can use UDP or TCP. In practice, however, no UDP implementation is known to exist. It is anticipated that TCP-based protocol will provide better performance ...." See Wang Col. 17, lines 58-61.

Brewer in view of Wang fail to teach or suggest each and every element of the Applicants invention. Brewer in view of Wang also fail to provide an suggestion or motivation to combine the teachings of each reference. Finally Brewer in view of Wang does not present a reasonable expectation of success. They in fact identify the problem and teach away from the Applicants achievement. The Examiner's rejection based on 35 U.S.C. § 103(a) fails on all three required "*prima facie*" elements. Withdrawal of the rejection of claim 1 and dependent claims 2-7 is respectfully requested. The Applicants submit that independent claims 8, 13, 18, 23, 24, 27, 29, 34, 39, 43, 47, 50, and 51 (and the claims that depend from them) are also patentable over Brewer in view of Wang for at least the same reasons. Reconsideration and withdrawal of the rejections is respectfully requested.

III.   Conclusion

In view of all of the above, the claims are now believed to be allowable and the case in condition for allowance which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is requested to contact Applicants' attorney at the telephone number listed below.

This response is filed with a One Month Petition for Extension of Time and the required fee of $120. Should any other fee be required, please charge Deposit 50-1123.

Respectfully submitted,

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